

REMARKS

Applicants have amended their claims herein to better clarify their invention. In addition, the Specification is amended herein on Page 6 at Line 19 to add the following: "In the illustrated embodiments of FIGs. 3 and 4, host computer 390 is interconnected with each of information storage and retrieval systems 301, 331, and 361, via communication link 398." Support can be found in FIGs. 3 and 4.

Claims 1, 7, and 13, are amended herein to recite a plurality of information storage and retrieval systems, where each of the plurality of information storage and retrieval systems is interconnected with each of the other information storage and retrieval systems. Support can be found in the Specification on Page 8 at Lines 16-17, and in FIGs. 3 and 4 wherein information storage and retrieval systems 301, 331, and 361, are interconnected with one another via communication link 395 in combination with communication links 315, 345, and 375, respectively. Claims 1, 7, and 13, are further amended herein to recite that each of the plurality of information storage and retrieval systems is interconnected with the same host computer. Support can be found in the Specification, as amended herein, on Page 6 beginning at Line 19, and in original FIGs. 3 and 4. Claims 1, 7, and 13, are further amended herein to recite that each of the information storage and retrieval systems is interconnected with a different remote storage location. Support can be found in the Specification on Page 9 at Line 19 through Page 10 at Line 2, and in FIG. 4.

No new matter has been entered. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Claims 1-30 stand rejected under 35 USC 103(a) as being unpatentable over Beal et al.

LAW OFFICE OF
LE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7638
FAX 520-748-9114

(U.S. Pat. No. 5,155,845) in view of Cochran et al. (U.S. Pub. No. US2004/0230859).

Beal et al. teach a DASD subsystem in which improved data availability is provided by a system wherein the failure of a single system component will not prevent a connected host from obtaining access to stored data records. Col. 2 / Lines 59-64. Beal nowhere teaches or suggests a storage system comprising a plurality of information storage and retrieval systems, where each of the plurality of information storage and retrieval systems is interconnected with each of the other information storage and retrieval systems, wherein each of the plurality of information storage and retrieval systems is interconnected with the same host computer, and wherein each of the information storage and retrieval systems is interconnected with a different remote storage location, as recited in Applicants' claims 1, 7, and 13, as amended herein.

Cochran et al. teach a disaster recovery system comprising a plurality of cascaded data centers. [0004]. Cochran et al. nowhere teach or suggest a storage system comprising a plurality of information storage and retrieval systems, wherein each of the plurality of information storage and retrieval systems is interconnected with each of the other information storage and retrieval systems, wherein each of the plurality of information storage and retrieval systems is interconnected with the same host computer, and wherein each of the information storage and retrieval systems is interconnected with a different remote storage location, as recited in Applicants' claims 1, 7, and 13, as amended herein.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Beal et al. nor Cochran et al., singly or in combination, teach or suggest a storage system comprising a plurality of information storage and retrieval

LAW OFFICE OF
LE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7636
FAX 520-748-9114

systems, wherein each of the plurality of information storage and retrieval systems is interconnected with each of the other information storage and retrieval systems, wherein each of the plurality of information storage and retrieval systems is interconnected with the same host computer, and wherein each of the information storage and retrieval systems is interconnected with a different remote storage location, as recited in Applicants' claims 1, 7, and 13, as amended herein.

Rather, Cochran et al. actually teaches away from Applicants' claims 1, 7, and 13, as amended herein. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed.Cir. 1994).

Cochran et al. teach a system wherein a host computer is interconnected with a single primary volume, and wherein that primary volume is interconnected with one or more secondary volumes. [0048]-[0054], FIGs. 9, 10A, 10B, and 11. One of ordinary skill in the art following the teachings of Cochran et al. would be motivated to utilize a storage system wherein a host computer is interconnected with a single information storage and retrieval system.

One of ordinary skill in the art following the teachings of Cochran et al. would find no motivation to utilize a storage system wherein a host computer is interconnected with a plurality of information storage and retrieval systems, as recited in Applicants' claims 1, 7, and 13, as amended herein. This being the case, Applicants respectfully submit that claims 1, 7, and 13, as amended herein are patentable over Beal et al. in view of Cochran et al.

Claims 2-6, as amended herein, depend, directly or indirectly, from claim 1, as amended

LAW OFFICE OF
LE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7636
FAX 520-746-9114

herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 2-6, as amended herein, are non-obvious over Beal et al. in view of Cochran et al.

Claims 8-12, as amended herein, depend from claim 7, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 8-12, as amended herein, are non-obvious over Beal et al. in view of Cochran et al.

Claims 14-18, as amended herein, depend from claim 13, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 14-18, as amended herein, are non-obvious over Beal et al. in view of Cochran et al.

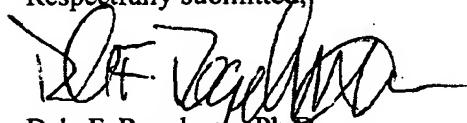
Having dealt with all of the outstanding objections and/or rejections of the claims, Applicants submit that the application as amended is in condition for allowance, and an

LAW OFFICE OF
LE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7636
FAX 520-746-9114

allowance at an early date is respectfully solicited. In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,

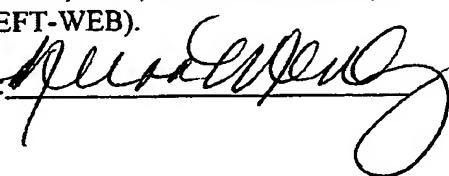


Dale F. Regelman, Ph.D.
Attorney for Applicants
Reg. No. 45,625

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on this 28th day of June, 2006, the Amendment A, is being filed via the Web Enabled Patent Filing System (EFT-WEB).

By:



LAW OFFICE OF
DALE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7636
FAX 520-746-9114

Amendment to the Drawing Figures:

FIG. 1 is amended herein to delete reference characters 161, 171, 180-198. A Replacement FIG. 1, and an annotated sheet showing the deletions in red, are attached hereto.

FIG. 3 is amended herein to delete reference character 394. A Replacement FIG. 3, and an annotated sheet showing the additions in red, are attached hereto.

LAW OFFICE OF
LE F. REGELMAN, P.C.
31 S. Fremont Street
Phoenix, Arizona 85714

TEL 520-741-7636
FAX 520-748-9114

FIG. 1

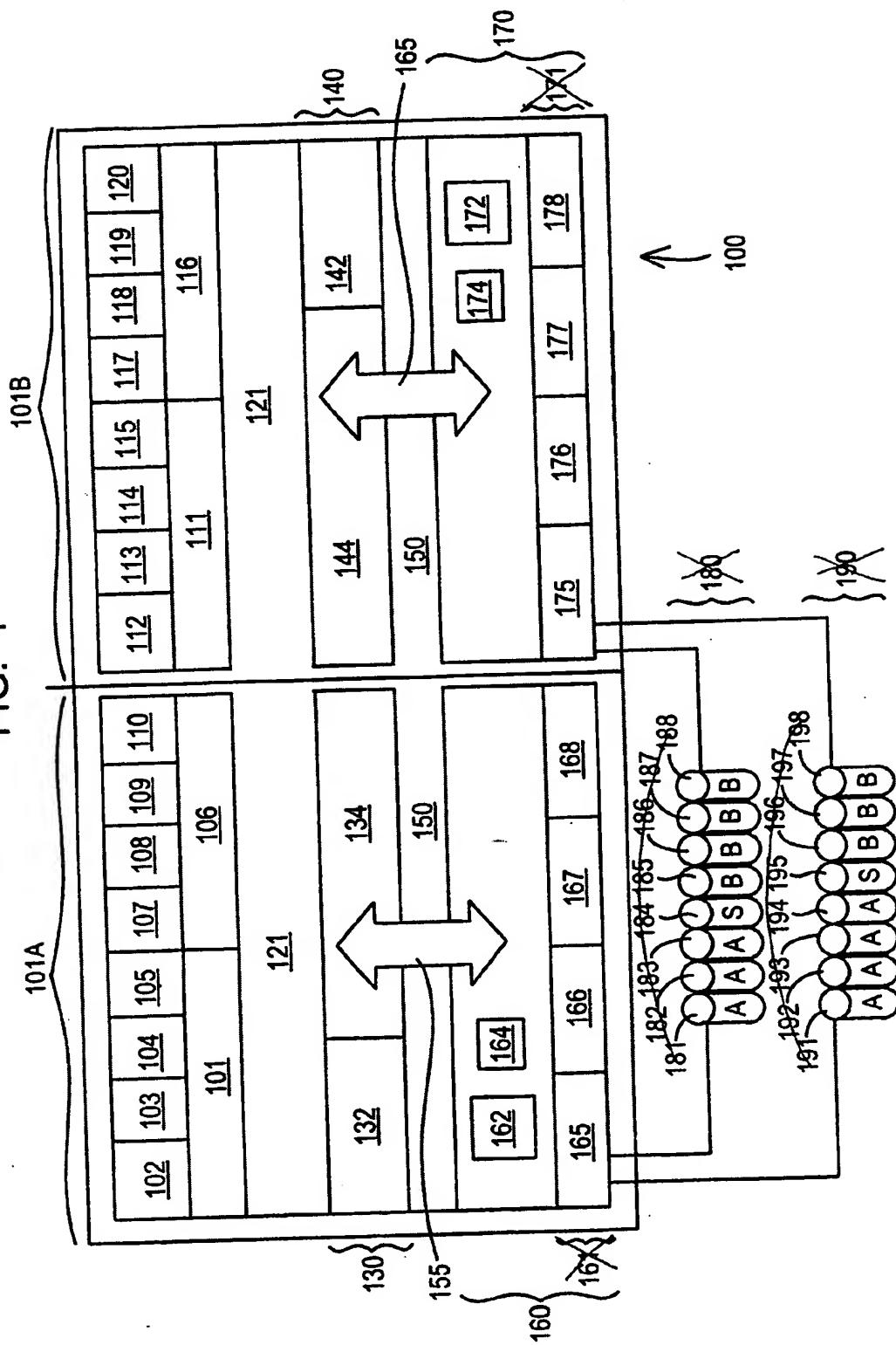


FIG. 3

